REMARKS

Claims 1-6, 13-21, 28-36, and 43-45 have been cancelled. Claims 7-12, 22-27, and 37-42 are all the claims pending in the application.

Formal matters

Applicant thanks the Examiner for accepting the drawings as filed on March 16, 2004 and for acknowledging claim to foreign priority under 35 U.S.C. § 119 and receipt of a certified copy of the priority document. Applicant also thanks the Examiner for reviewing and initialing the documents in the Information Disclosure Statement submitted on March 16, 2004.

Claim objections

Claim 38 stands objected to because of informalities. Applicant has amended the claim as suggested by the Examiner, and respectfully requests that the objection be removed.

Claim rejections -- 35 U.S.C. § 102

Claims 1, 6-7, 12, 16, 21-22, 27, 31, 36-37, and 42 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,600,922 to Aoki. Applicant has cancelled claims 1, 6, 12, 16, 21, 37, and 42. With respect to the remaining claims, Applicant respectfully traverses the rejection.

For example, claim 7 recites the limitation of determining if a mobile phone is located within the service range of a non-preferred communication system while connecting to the non-preferred system. The Examiner maintains that this limitation is met by the disclosure of Aoki at col. 6, lines 4-16. However, these lines disclose that a mobile station checks a CCh from a service cell. The mobile station then "determines whether it is in its home system" by analyzing

its SID against the home SID of its home service provider. At col. 2, lines 55-58, Aoki discloses that "there is provided a mobile station capable of quickly returning to a home system of the mobile station from operation to roam within a communication network." In other words, the home system corresponds to the claimed preferred communication system, not the non-preferred system required by claim 7.

Additionally, the claim requires the location determination to be made "while connecting to the non-preferred network." However, at the cited lines, Aoki only discloses that the CCh is checked when the mobile station "is not engaged in a call" (col. 6, line 4). Thus, Aoki fails to meet this limitation of claim 7, and therefore, claim 7 is patentable over Aoki for at least these reasons.

Moreover, claim 7 also recites the limitation that when it is determined that the mobile phone is located within a service range of the non-preferred system, determining if the mobile phone is located within a service range of the preferred system based on a first criterion. The Examiner maintains that this limitation is met by the disclosure of Aoki at col. 6, lines 23-34). At these lines, Aoki discloses a procedure for evaluating a received signal level, and based on this level, setting a home band scan flag. However, at col. 6, lines 17-19, Aoki describes that this procedure is executed "wherever a roaming mobile station checks the present CCh to wait for a call." Thus, Aoki fails to disclose the limitation of making the determination "when it is determined that the mobile phone is located within a non-preferred service range", as required by claim 7. Therefore, claim 7 is patentable over Aoki for this additional reason.

Additionally, claim 7 recites the limitation that when it is determined that the mobile phone is located outside a non-preferred communication system, determining if the mobile phone is located within a service range of the preferred system based on a second criterion that is different from a first criterion. The Examiner maintains that this limitation is met by the teachings of Aoki at col. 6, lines 4-16. However, these lines merely disclose that the mobile station periodically checks a CCh *when the mobile station is not engaged in a call.* Thus, Aoki fails to disclose the limitation of making a determination "when it is determined ... that said mobile phone is located within a service range of said non-preferred communication system" as required by claim 7.

Therefore, claim 7 is patentably distinguished over Aoki for at least these reasons, and Applicant respectfully requests the Examiner to withdraw the rejection.

Independent claims 22 and 37 recite similar limitations to those discussed above with respect to claim 7. Therefore, claims 22 and 37 are patentably distinguished over Aoki for the same reasons discussed above. The remaining claims are patentable based on their dependencies. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection.

Claim rejections -- 35 U.S.C. § 103

Claims 2, 5, 8, 11, 13, 17, 20, 23, 26, 28, 32, 35, 38, 41, and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aoki in view of U.S. Patent No. 5,999,814 to Cuffaro. Claims 2, 5, 13, 17, 20, 28, 32, 35, and 43 have been cancelled. With regard to the remaining claims, Applicant respectfully traverses the rejection. The remaining claims each

depend from one of independent claims 7, 22, or 37, which have been shown above to be patentably distinguished over Aoki. Cuffaro does not cure the deficiencies of Aoki. Therefore, the remaining claims are patentable over the Aoki and Cuffaro combination, and Applicant respectfully requests the Examiner to withdraw the rejection.

Claims 3-4, 9-10, 14-15, 18-19, 24-25, 29-30, 33-34, 39-40, and 44-45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aoki in view of U.S. Application Publication No. 2003/0040311 to Choi. Claims 3-4, 14-15, 18-19, 29-30, 33-34, and 44-45 have been cancelled. With regard to the remaining claims, Applicant respectfully traverses the rejection. The remaining claims each depend from one of independent claims 7, 22, or 37, which have been shown above to be patentably distinguished over Aoki. Choi does not cure the deficiencies of Aoki. Therefore, the remaining claims are patentable over the Aoki and Choi combination, and Applicant respectfully requests the Examiner to withdraw the rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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